

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EDDIE E. ABRAM,)	4:14CV3106
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
WAGNER, et al.,)	
)	
Defendants.)	
)	

EDDIE E. ABRAM,)	4:14CV3107
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MCKILLIP,)	
)	
Defendant.)	
)	

EDDIE E. ABRAM,)	4:14CV3108
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MCKILLIP,)	
)	
Defendant.)	
)	

EDDIE E. ABRAM,) 4:14CV3109
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
)
 MCKILLIP,)
)
 Defendant.)
)

EDDIE E. ABRAM,) 4:14CV3110
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
)
 MCKILLIP,)
)
 Defendant.)
)

EDDIE E. ABRAM,) 4:14CV3111
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
)
 MCKILLIP,)
)
 Defendant.)
)

EDDIE E. ABRAM,)
)
 Plaintiff,)
)
 v.)
)
MCKILLIP,)
)
 Defendant.)
)

4:14CV3112

**MEMORANDUM
AND ORDER**

EDDIE E. ABRAM,)
)
)
 Plaintiff,)
)
)
 v.)
)
MCKILLIP,)
)
)
 Defendant.)
)

4:14CV3113

**MEMORANDUM
AND ORDER**

EDDIE E. ABRAM,)
)
)
 Plaintiff,)
)
)
 v.)
)
MCKILLIP,)
)
)
 Defendant.)
)

4:14CV3114

**MEMORANDUM
AND ORDER**

EDDIE E. ABRAM,)
)
 Plaintiff,)
)
 v.)
)
REMPPEL,)
)
 Defendant.)
)

4:14CV3115

**MEMORANDUM
AND ORDER**

EDDIE E. ABRAM,)
)
)
 Plaintiff,)
)
)
 v.)
)
REMPLE,)
)
)
 Defendant.)
)

4:14CV3116

**MEMORANDUM
AND ORDER**

EDDIE E. ABRAM,)
)
)
 Plaintiff,)
)
)
 v.)
)
VANLANIGHAM,)
)
)
 Defendant.)
)

4:14CV3117

**MEMORANDUM
AND ORDER**

EDDIE E. ABRAM,) 4:14CV3118
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
 GUSTAFSON,)
)
 Defendant.)
 _____)

EDDIE E. ABRAM,) 4:14CV3119
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
 DAY,)
)
 Defendant.)
 _____)

EDDIE E. ABRAM,) 4:14CV3120
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
 BISCHOFF,)
)
 Defendant.)
 _____)

EDDIE E. ABRAM,) 4:14CV3121
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
 BEQUETTE,)
)
 Defendant.)
 _____)

EDDIE E. ABRAM,) 4:14CV3122
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
 JANZEN,)
)
 Defendant.)
 _____)

EDDIE E. ABRAM,) 4:14CV3123
)
 Plaintiff,)
)
 v.) **MEMORANDUM**
) **AND ORDER**
 FREEBORN,)
)
 Defendant.)
 _____)

This matter is before the court on Plaintiff's Motions for Leave to Proceed in Forma Pauperis ("IFP") in the above captioned cases. On May 22, 2014, Plaintiff filed in this court 18 civil cases. The court has received a certified copy of Plaintiff's trust account information, which has been docketed in each of these 18 cases. Plaintiff is permitted to proceed IFP. However, Plaintiff should read carefully below, as he will be required to pay the full amount of the court's \$350.00 filing fee *in each of his 18 cases*, for a total of \$6,300.00.

Pursuant to the Prison Litigation Reform Act, a prisoner plaintiff is required to pay the full amount of the court's \$350.00 filing fee by making monthly payments to the court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b). "[T]he PLRA makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal." In re Tyler, 110 F.3d at 529-30 (8th Cir. 1997); Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 (D. Neb. 2001). Here, Plaintiff has filed 18 cases and he will be required to pay the full amount of the court's \$350.00 filing fee in each of his 18 cases.

Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of Plaintiff's average monthly account balance or average monthly deposits for the six months preceding the filing of the complaint. Accordingly, the court finds that the initial partial filing fee is \$2.06, based on an average monthly account balance of \$10.30. Plaintiff must pay this initial partial filing fee within 30 days from the date of this Memorandum and Order *in each of his 18 cases*. If the court does not receive payment of the initial partial filing fee in any one of the 18 cases by this deadline, the case **will be dismissed**. Plaintiff may request an extension of time if needed.

In addition to the initial partial filing fee, Plaintiff must "make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). The statute places the burden on the prisoner's

institution to collect the additional monthly payments and forward them to the Court as follows:

After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

28 U.S.C. § 1915(b)(2). Therefore, after payment in full of the initial partial filing fee, the remaining installments shall be collected pursuant to this procedure in each of Plaintiff's 18 cases.

The clerk's office shall send a copy of this Memorandum and Order to the appropriate financial official at Plaintiff's institution. Plaintiff will remain responsible for the entire filing fees, as long as he is a prisoner, even if the cases are dismissed at some later time. See *In re Tyler*, 110 F.3d at 529-30; *Jackson*, 173 F. Supp. 2d at 951.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motions for Leave to Proceed IFP are granted. (Case No. 4:14-cv-3106, Filing No. 2; Case No. 4:14-cv-3107, Filing No. 2; Case No. 4:14-cv-3108, Filing No. 2; Case No. 4:14-cv-3109, Filing No. 2; Case No. 4:14-cv-3110, Filing No. 2; Case No. 4:14-cv-3111, Filing No. 2; Case No. 4:14-cv-3112, Filing No. 2; Case No. 4:14-cv-3113, Filing No. 2; Case No. 4:14-cv-3114, Filing No. 2; Case No. 4:14-cv-3115, Filing No. 2; Case No. 4:14-cv-3116, Filing No. 2; Case No. 4:14-cv-3117, Filing No. 2; Case No. 4:14-cv-3118, Filing No. 2; Case No. 4:14-cv-3119, Filing No. 2; Case No. 4:14-cv-3120, Filing No. 2; Case No. 4:14-cv-3121, Filing No. 2; Case No. 4:14-cv-3122, Filing No. 2; and Case No. 4:14-cv-3123, Filing No. 2.)

2. Plaintiff shall pay an initial partial filing fee of \$2.06 *in each of his 18 cases* within 30 days from the date of this Memorandum and Order, unless an enlargement of time is granted in response to a written motion. If the initial partial filing fee is not received by the specified deadline in any one of the 18 cases, the case **will be dismissed.**

3. After payment of the initial partial filing fees, Plaintiff's institution shall collect the additional monthly payments in the manner set forth in [28 U.S.C. § 1915\(b\)\(2\)](#), quoted above, and shall forward those installments to the court.

4. The clerk's office is directed to send a copy of this order to the appropriate official at Plaintiff's institution.

5. The clerk's office is directed to set a pro se case management deadline in each of the above-captioned cases using the following text: **June 30, 2014:** initial partial filing fee payments due.

6. Plaintiff shall keep the court informed of his current address at all times, and all parties are bound by the Federal Rules of Civil Procedure and by the court's Local Rules while this case is pending.

DATED this 29th day of May, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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